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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

MIT01488P00190US

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on 10/29/07

Signature T. Craine

Typed or printed name T. Craine

Application Number

10/542,394

Filed

7/13/05

First Named Inventor

Katsufusa Fujita

Art Unit

2834

Examiner

T. Nguyen

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record. Registration number 30,407

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

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Oct 29, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 3 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT
MIT01488P00190US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:)	SKEW SHAPE VARIABLE LAMINATED
)	IRON CORE AND METHOD OF
KATSUFUSA FUJITA)	MANUFACTURING THE SAME
)	
Ser. No.: 10/542,394)	Examiner T. Nguyen
)	
Filed: 7/13/05)	Art Unit 2834

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for a review of the rejection made in the June 27, 2007 Final Office Action in the above case. A review is requested with respect to the errors specifically identified below.

Background

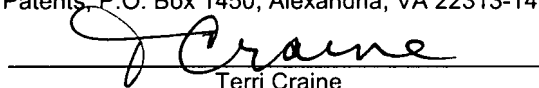
The claimed invention is directed to a skew shape variable laminated iron core 10 and its method of manufacture. As set forth in apparatus claim 1, the iron core 10, shown in Fig. 1, consists of a lowermost iron core piece 13, and core pieces 14, 15 laminated in alternating fashion upon the lowermost core piece 13.

As seen additionally in Fig. 2, the core pieces 14, 15 are laminated through the use of caulking projections 22, 24, respectively on the core pieces 14, 15, that fit in caulking holes 25, 23 on the core pieces 15, 14, respectively.

As seen in Figs. 1 and 2, the cooperating caulking projections 22, 24 and caulking holes 25, 23 are formed at different positions at the same radius from a rotation center 16.

37 CFR 1.8
CERTIFICATE OF MAILING

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Terri Craine

As seen in Fig. 1, the exemplary caulking holes 23 have an arc shape as viewed from the rotation center 16. The caulking holes 23 are longer in a circumferential direction than the caulking projection 24 fitted therein so that a gap is formed in the circumferential direction of each of the caulking holes.

With the above construction, and exemplary core pieces 14, 15 laminated together such that the caulking projections 22 are fitted within the caulking holes 25, the caulking projections 22 are movable circumferentially within their respective caulking holes 25, **thereby to allow the laminated core pieces 14, 15 to move relative to each other around the rotation center 16** a predetermined amount.

Method claim 5 parallels apparatus claim 1 sufficiently that the arguments made with respect to claim 1 herein are generally applicable also to claim 5.

The Rejection of Claims

Claims 1 and 3-12 are currently pending in the application. All pending claims stand rejected under 35 U.S.C. §103 as obvious over U.S. Patent No. 5,923,112, to Bertocchi et al. (Bertocchi), in view of JP-2002-136015 (JP '015).

Pending Claims

Claim 1 is the only apparatus claim. Since the only independent method claim, claim 5, parallels claim 1 with respect to the limitations that will be discussed herein, only claim 1 will be addressed.

Error No. 1

Bertocchi does not clearly disclose laminated core pieces that can be moved, one relative to the other, about a rotation center, as alleged by the Examiner.

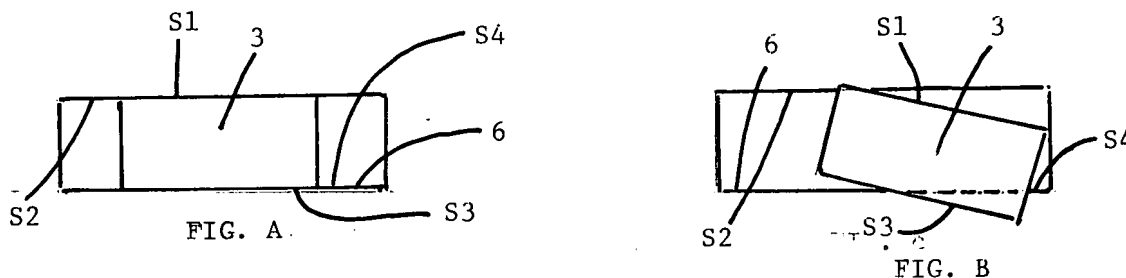
Argument

As noted on page 2 of Applicant's Request for Reconsideration, mailed on October 4, 2007, the MPEP requires that a disclosure, in a piece of prior art in which the Examiner relies, be "clear".¹

First of all, it is significant to note that Bertocchi nowhere expressly discloses the ability to relatively move paired core pieces **after they are laminated together**, utilizing in Bertocchi's case the clips 3, corresponding to Applicant's claimed caulking projections, and cavities 6, corresponding to Applicant's claimed caulking holes.

It is also significant to note that the Examiner acknowledges on page 6, lines 8-9 of the June 27, 2007 Final Action, that Bertocchi does not teach caulking holes with the required "arc shape" that permits relative turning between core pieces **after lamination**. As seen in Figs. 2 and 3 of Bertocchi, the clips 3 and cavities 6 appear to be substantially straight. As seen in Fig. 2, the clips 3 fill the cavities 6. With this configuration, no relative rotation of laminated layers would be possible around the corresponding rotation center.

Even if the clips 3 had a lesser circumferential dimension than the cavities 6 within which they reside, in the absence of there being an arcuate shape for the cavities 6, the required relative movement between the laminated core pieces could not occur. As seen in the illustration below, if the cavity 6 is straight rather than arcuate, as shown in Fig. A, the clip 3 can be pressed therein but is keyed against turning by cooperating surfaces S1, S2 and S3, S4.



If the core pieces are relatively moved about the rotation center to the Fig. B position, the surfaces S1, S2 and S3, S4 misalign and interfere, as a consequence of which there must be deformation to allow the clips 3 to be force fit into the cavities 6. The

¹ While the specific MPEP section relates to anticipation, the same standard is believed clearly applicable to any disclosure relied upon for an art rejection.

result of this is that the core pieces become locked against movement, each relative to the other, around the rotation center, once laminated. Thus, they would be incapable of relative movement as claimed.

The Examiner relies primarily on the disclosure in col. 3, lines 24-35 of Bertocchi, which is based upon Figs. 2 and 4 therein, to support her rejection. As explained in the bridging paragraph between pages 2 and 3 and the following paragraph on page 3 of applicant's Request for Reconsideration, the precise location of this view is not clear. However, even if Fig. 4 represents a cross-section through a circle around the rotation center, as noted above, if the cavities 6 are not arcuate to allow the clips 3 to move guidingly therein after lamination, the claimed arrangement does not result. That is, if the layers were shifted from the Fig. 4 orientation, corresponding to that in Fig. A, above, into the Fig. B orientation, above, the clips 3 would become wedged fixedly in the cavities 6 after lamination.

This interpretation is consistent with the fact that Bertocchi emphasizes the "rigidity" of the resulting core structure, as explained on page 4 of applicant's Request for Reconsideration.

Error No. 2

The Examiner misinterprets Bertocchi's reorientation of core pieces through the angle B as corresponding to the claimed relative movement between core pieces (see Final Office Action, bridging paragraph between pages 5 and 6).

Argument

As noted on page 3 of Applicant's Request for Reconsideration, Bertocchi discloses turning of core pieces through an angle B to accommodate/flatten deviations in the metal strips. This turning occurs before there is lamination and relates to two different relative orientations in which core pieces might be placed preparatory to lamination. This disclosure in no way teaches or makes obvious the ability to turn core pieces around a rotation center **after lamination**, as claimed.

Error No. 3

It would not be obvious to modify Bertocchi's cavities 6 to the arcuate shape shown in JP '015.

Argument


Since neither Bertocchi nor JP '015 addresses the desirability of turning core pieces after they are laminated, the only motivation for modifying Bertocchi's cavities 6 would be Applicant's own disclosure.

Conclusion

It is respectfully requested that the panel review the Examiner's June 27, 2007 Final Rejection, particularly based upon the errors noted above, and that the Examiner's rejection of all pending claims be reversed.

Respectfully submitted,

By



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